

JENNER & BLOCK

December 22, 2005

Jenner & Block LLP
One IBM Plaza
Chicago, IL 60611-7603
Tel 312 222-9350
www.jenner.com

Chicago
Dallas
New York
Washington, DC

VIA HAND DELIVERY

FILED

Clerk of Court
U.S. District Court for the
Northern District of Illinois

DEC 22 2005

JUDGE GOTTSCHALL

Darren J. Schmidt
Tel 312 840-7477
Fax 312 840-7577
dschmidt@jenner.com

Dear Clerk of Court:

**MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT**

05C 7198

We represent CoStar Group, Inc. and CoStar Realty Information, Inc. (collectively, "CoStar"). We are writing to obtain a subpoena issued by the Clerk of this Court pursuant to 17 U.S.C. § 512(h).

MAGISTRATE JUDGE COLE

CoStar is the leading provider of information services to commercial real estate professionals in the United States. CoStar's suite of services offers customers access via the Internet to the most comprehensive databases of information about commercial real estate.

A critically important part of CoStar's database services are its photographs. CoStar photographers travel to and take pictures of commercial properties in markets throughout the United States. Under the Copyright Act and the terms of its license agreements with its customers, those who access CoStar's photographs are prohibited from posting them on or otherwise disseminating them through an Internet listing service. Unfortunately, CoStar's photographs are too often copied in this manner in violation of the Copyright Act.

In particular, individuals gain access to CoStar's website, download copies of the photographs and then upload them onto the websites of competing real estate listing services. Others then download CoStar's photographs, also without authorization. Once they have been unlawfully copied onto competing websites, CoStar's photographs are then re-copied and re-disseminated (over and over) without authorization. The harm to CoStar is enormous.

We have uncovered a number of CoStar's photographs that have been unlawfully copied onto a website, www.ccimnet.com (CCIMNet). CCIMNet is operated by Catylist Real Estate Software, Inc. and is a real estate listing service. Users upload photographs to CCIMNet's servers, which are then downloaded and used by others.

CoStar recently sent CRESI a notification demanding that it take down 80 infringing photographs stored on its website. We believe that CRESI has information concerning the identities of the individuals who are unlawfully copying CoStar photographs. Under the Digital Millennium Copyright Act of 1998 ("DMCA"), CRESI must provide this information in response to a subpoena issued pursuant to 17 U.S.C. § 512(h).

Pursuant to 17 U.S.C. § 512(h), a copyright owner or its agent may obtain a subpoena ("DMCA subpoena") from the Clerk of any United States District Court for the purpose of seeking the

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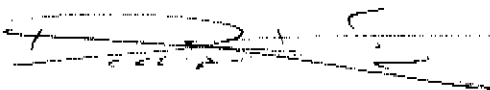
identity of an alleged copyright infringer. Section 512(h)(4) provides that "the clerk shall expeditiously issue and sign the proposed subpoena" upon presentation of three documents in proper form: 1) a DMCA notice of copyright infringement, § 512(h)(2)(A); 2) a proposed subpoena, § 512(h)(2)(B); and 3) a sworn declaration meeting the requirements of § 512(h)(2)(C).

On behalf of CoStar, we are seeking to obtain a DMCA subpoena, issued by the Clerk of this Court, to serve on CRESI to learn the identities of the individuals that have infringed CoStar's copyrights. With this letter, we are providing a notification that complies with the DMCA, a proposed subpoena, and a declaration satisfying the requirements of the DMCA.

The accompanying DMCA notification specifies the list of CoStar's photographs that are the subject of infringing activity on CRESI's CCIMNet website, identifies the allegedly infringing material to be removed, and provides CRESI with information sufficient to locate the material. CoStar has previously provided this information to CRESI, as well as additional documentation concerning CoStar's copyrighted photographs. Also as required by the DMCA, the declaration attests, on penalty of perjury, that the purpose of the subpoena is to obtain the identity of an alleged copyright infringer and that information obtained in response to the subpoena will be used only to protect rights under the Copyright Act.

We request that the Clerk's office issue this subpoena as soon as possible. If you have any questions, please do not hesitate to call me at 312-222-9350, Ext. 7477.

Sincerely,

A handwritten signature in black ink, appearing to read "Darren Schmidt", written over a horizontal line.

Darren Schmidt

Attachments